

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**CAPWEALTH ADVISORS, LLC,
TIMOTHY J. PAGLIARA, AND
TIMOTHY R. MURPHY,**

Defendants.

Case No. 3:20-cv-01064

**JUDGES
CRENSHAW/FRENSLEY**

JURY TRIAL DEMANDED

PLAINTIFF'S WITNESS LIST

Witness Name	Address	Subject Matter of Testimony
Timothy Pagliara	c/o Eugene N. Bulso, Jr. Bulso PLC 155 Franklin Rd., Suite 400 Brentwood, TN 37027	CapWealth's Business Operations; Allegations of the Complaint; Communications with clients about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest; Fiduciary Duties; Disclosure Obligations
Timothy Murphy	c/o Eugene N. Bulso, Jr. Bulso PLC 155 Franklin Rd., Suite 400 Brentwood, TN 37027	CapWealth's Business Operations; Allegations of the Complaint; Communications with clients about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest; Fiduciary Duties; Disclosure Obligations

Phoebe Venable	c/o Eugene N. Bulso, Jr Bulso PLC 155 Franklin Rd., Suite 400 Brentwood, TN 37027	CapWealth's Business Operations; Allegations of the Complaint; 12b-1 fees; Advisory fee discounts; tax benefits; Disclosure obligations
Scott Roland	c/o Thomas K. Potter, III Burr Forman 222 Second Avenue South Suite 2000 Nashville, TN 37201	CapWealth's Business Operations; CapWealth's Disclosures; Communications with Defendants; 12b-1 fees; Advisory fee discounts; tax benefits
Mark Willoughby	c/o Eric Feld Guerra King P.A. 5505 West Gray Street Tampa, FL 33609	CapWealth's Business Operations; Communications with Defendants; 12b-1 fees; Advisory fee discounts; tax benefits
Steven Rapkin	c/o Plaintiff's counsel 950 East Paces Ferry Rd., NE Suite 900 Atlanta, GA 30326	Summary witness regarding data of 12b-1 fees, advisory fees, fee discounts, and tax benefits; Summary witness regarding availability of lower cost share classes
Gary Gibbons	8628 N. Skyline Dr. Phoenix, AZ 85028	Opinion witness regarding fiduciary duty of investment advisors and disclosure obligations
Christopher Anthony	c/o Craig L. Hymowitz, Esq. Assistant General Counsel StoneX Financial Inc. 2 Perimeter Park South Suite 100 West Birmingham, AL 35243	Availability of lower cost share classes; Cost of converting to lower cost share classes
Records Custodian, Stone X Financial Inc.	c/o Craig L. Hymowitz, Esq. Assistant General Counsel StoneX Financial Inc. 2 Perimeter Park South Suite 100 West Birmingham, AL 35243	Authentication of documents if admissibility is not stipulated

Records Custodian, Pershing Advisors Solutions, LLC	c/o Lisa Blank Vice President & Counsel Regulatory Enforcement & Investigations BNY Mellon Legal Department 240 Greenwich Street, 18th Floor New York, NY 10286	Authentication of documents if admissibility is not stipulated
Records Custodian, Capital Group's American Funds		Authentication of documents if admissibility is not stipulated
Records Custodian, Massachusetts Financial Services (MFS) Company		Authentication of documents if admissibility is not stipulated
Records Custodian, Massachusetts Investors Trust		Authentication of documents if admissibility is not stipulated
Records Custodian, Franklin Templeton Investments		Authentication of documents if admissibility is not stipulated
Records Custodian, Invesco		Authentication of documents if admissibility is not stipulated
Records Custodian, Fidelity Investments		Authentication of documents if admissibility is not stipulated
Records Custodian, Delaware Investments		Authentication of documents if admissibility is not stipulated
Records Custodian, Securities and Exchange Commission	c/o Plaintiff's counsel 950 East Paces Ferry Rd., NE Suite 900 Atlanta, GA 30326	Authentication of documents filed with the Securities and Exchange Commission by Mutual Fund companies identified above on Witness List if admissibility is not stipulated and an Records Custodian for the Mutual Fund Company is not available

Lisa Ann Hughey	113 Prospect Hill Nashville, Tennessee 37205	Communications with Defendants about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest
Jimmy Lampley	1090 Kelvington Way SW Lilburn, GA 30047	Communications with Defendants about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest
Mary Lampley	1090 Kelvington Way SW Lilburn, GA 30047	Communications with Defendants about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest
Lawrence Langteau	1641 Tappahannock Trail Marietta, GA 30062	Communications with Defendants about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest
Phyllis McKinney	42 Sammy Lane South Brush Creek, Tennessee 38547	Communications with Defendants about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest
Mitchell Watts	129 Upper Station Camp Creek Road Gallatin, Tennessee 37066	Communications with Defendants about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax

		benefits, and conflicts of interest
Jerry Winstead	4322 Springdale Path The Villages, FL 32163	Communications with Defendants about 12b-1 fees, availability of lower cost share classes, advisory fees, discounts to advisory fees, tax benefits, and conflicts of interest

Dated: May 27, 2022

Respectfully submitted,

/s/ Kristin W. Murnahan

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CERTIFICATE OF SERVICE

This is to certify that on May 27, 2022, I caused the following Plaintiff's Witness List to be served on the following counsel for defendants through the Court's ECF system:

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